REMARKS

This Application has been carefully reviewed in light of the Office Action mailed/electronically dated December 31, 2007. Applicants respectfully request reconsideration and favorable action in this case in light of the remarks below.

Section 101 Rejections

Claims 9, 14, 15, and 16 were rejected under 35 U.S.C. § 101 because the invention is directed to a processor and thus, according to the Examiner, non-statutory subject matter. According to the Examiner, computer related inventions need to be associated with a computer in the preamble of the claim. Applicants respectfully note that the Examiner has not identified any statutory or case law basis for this rejection and 35 U.S.C. § 101 itself does not itself require that "computer related inventions need to be associated with a computer in the preamble of the claim" as the Examiner contends. Applicants respectfully note that the Examiner relies on conclusory statements regarding what is required by 35 U.S.C. § 101 without providing any authority for these statements. Applicants respectfully request that, if the Examiner intends to maintain a rejection of any claims of the present Application under 35 U.S.C. § 101, the Examiner identify some statutory or case law basis for such a rejection.

Applicants respectfully traverse this rejection. A "processor" represents at least a "machine" and or a "manufacture" under 35 U.S.C. § 101. As such, a claim is not directed to non-statutory subject matter merely because it includes a "processor" as an element, regardless of whether the claim is "associated with a computer in the preamble of the claim." 35 U.S.C. § 101 makes no reference to claim preambles and provides no requirements with respect to the form of preambles for "computer related inventions. Claims 9, 14, 15, and 16 are thus allowable. Applicants respectfully request reconsideration and allowance of Claims 9, 14, 15, and 16.

Section 102 Rejections

Claims 1-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,922,786 issued to Ong ("*Ong*"). Claim 1 recites:

> A method for tracking telecommunication services comprising:
> receiving a call, wherein the call includes a call identifier;
> determining a filter status of the call; and

transmitting a notification message to a remote node, wherein the notification message identifies the call identifier and the filter status of the call and wherein the notification message conforms to a protocol that primarily communicates tracking information.

Ong fails to recite, expressly or inherently every element of Claim 1. For example, *Ong* fails to disclose "transmitting a notification message to a remote node, wherein the notification message identifies the call identifier and the filter status of the call." The portion of *Ong* the Examiner cites in addressing this element of Claim 1 states only that "[t]he real-time firewall 150 receives real-time packets from the source network and forwards packets that are accepted according to some filtering characteristics described in the corresponding control protocol." *Ong*, col. 3, ll. 48-51, emphasis added. The Examiner attempts to equate the forwarded packets described by the cited portion with the claimed "notification message." *Ong* however fails to disclose that the forwarded packets "identif[y] [a] call identifier and the filter status of [a] call." Thus, *Ong* fails to disclose "transmitting a notification message to a remote node, *wherein the notification message identifies the call identifier and the filter status of the call*" (emphasis added) as required by Claim 1.

As a result, *Ong* fails to recite, expressly or inherently, every element of Claim 1. Claim 1 is thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 9, 17, and 27 include elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not disclosed by the cited reference. Claims 9, 17, and 27 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 9, 17, and 27, and their respective dependents.

Furthermore, Claim 7 recites:

A method for tracking telecommunication services comprising:
receiving a request message from a remote node, wherein the request message includes a call identifier;
determining a filter status associated with the call identifier; and
transmitting an acknowledgement message to the remote node, wherein the acknowledgement message identifies the filter status and wherein the acknowledgement message conforms to a protocol that primarily communicates tracking information.

Ong fails to recite, expressly or inherently, every element of Claim 7. For example, *Ong* fails to disclose "receiving a request message from a remote node, wherein the request

message includes a call identifier; [and]. . . transmitting an acknowledgement message to the remote node, wherein the acknowledgement message identifies the filter status." In addressing this element of Claim 7, the Examiner attempts to equate the claimed "request message" with a "request (REQ) message" disclosed by *Ong* and the claimed "acknowledgement message" with a "decision (DEC) message" disclosed by *Ong. Office Action*, p. 4. Applicants respectfully note that portion of *Ong* cited by the Examiner in addressing Claim 7, indicates only that:

> The COPS message sequence typically consists of a request (REQ) message and a decision (DEC) message. The REQ message is sent from the real-time fire wall 150 to the call server 130/190 to request filtering information. The DEC message is sent from the call server 130/190 to the real-time firewall 150 to contain-filtering information including the filtering characteristic 215.

Ong, col. 4, ll. 56-62.

Applicants respectfully note that *Ong* does not indicate that the REQ message disclosed by *Ong* includes "a call identifier." Additionally, *Ong* does not indicate that the DEC message disclosed by *Ong* "identifies the filter status *[associated with the call identifier]*" as recited by Claim 7 (emphasis added). Thus, the cited portion of *Ong* fails to disclose "receiving a request message from a remote node, wherein the request message includes a call identifier; [and]. . . transmitting an acknowledgement message to the remote node, wherein the acknowledgement message identifies the filter status" as required by Claim 7.

As a result, *Ong* fails to recite every element of Claim 7. Claim 7 is, thus, allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 7 and its dependents.

Although of differing scope from Claim 7, Claims 15, 24, and 28 include elements that, for reasons substantially similar to those discussed with respect to Claim 7, are not disclosed by the cited reference. Claims 15, 24, and 28 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 15, 24, and 28, and their respective dependents.

Claims 1-28 are rejected under 35 U.S.C. § 102(a) as being anticipated by paper entitled, "Call Filtering and Tracking in IP Telephony" by Cao, Ha, Padmanabhan, Yuan, and Tran, ("*Cao*"). Applicants respectfully traverse this rejection.

For 35 U.S.C. § 102(a) to apply, a reference cannot be the applicants' own work. M.P.E.P. § 706.02(a). *Cao* was co-authored by Feng Cao, Binh D. Ha, Radhika Padmanabhan, Alice Yuan, and Ken Tran, but described only the work of Feng Cao, Binh D. Ha, and Radhika Padmanabhan. Feng Cao, Binh D. Ha, and Radhika Padmanabhan have all been identified as inventors of the subject matter claimed by the present Application. Applicants respectfully submit a Declaration under Rule 132 enclosed herewith pursuant to M.P.E.P. §§ 716.10 and 715.01(c) regarding the subject matter disclosed in *Cao*. In light of the statements in the Declaration, Applicants respectfully submit that the *Cao* reference is not available as prior art under 35 U.S.C. § 102(a).

As a result, Claims 1-28 are allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 1-28.
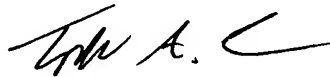
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge the $120.00 one-month extension-of-time fee and any other required fees or to credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

Todd A. Cason
Reg. No. 54,020

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6452

Date: 4 /30/08

CORRESPONDENCE ADDRESS:

Customer Number: **05073**